

Article - Natural Resources

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§4-1015.

(a) A person who catches oysters from the waters of the State with any scoop, dredge, tong, rake, or any similar instrument shall cull the oysters on the natural bar from which they were caught, and return to the bar all shells, stones, gravel, and slag. Any oyster whose shell measures less than 3 inches in distance between its longest or widest points, whether or not attached to a marketable oyster, shall be included in the culling and replaced on the bar from which caught. The Department by rule may permit the possession of marketable oysters to which nonmarketable oysters adhere so closely that it is impossible to remove them without destroying the smaller oyster. Oyster culling shall be completed before any oyster is thrown or deposited in the hold or bottom of any boat.

(b) After culling and placing in the hold or bottom of a boat, a person's possession of oysters may not include a combined total of more than 5 percent of oysters which measure less than 3 inches from hinge to bill, and cultch consisting of shells, stones, gravel, and slag. In ascertaining this percentage the Department shall select by random sample an amount of oysters from any pile, hold, bin, house, or place as deemed proper and require it to be culled and disposed of, as provided by this section. All small oysters and cultch that adhere to marketable oysters shall be separated, and the marketable oysters shall be excluded from any measurement of small oysters and cultch. However, a person may possess marketable oysters that have undersized oysters or spat less than 1 inch in length from hinge to bill attached to them that cannot be separated without destroying the small oyster.

(c) A person may not transport or attempt to transport outside the State oysters measuring less than 3 inches in length from hinge to mouth regardless of whether they are caught on the natural bars of the State or from private beds and lots in the State.

(d) The provisions of this subtitle relating to the inspection and culling of oysters and the imposition of penalties for any violation of the cull law apply to oysters in the shell found anywhere within the State, whether afloat or ashore, and whether said oysters have been caught within the waters of the State or shipped or brought into the State. However, oysters containing more than 5 percent shells or small oysters legally taken from privately owned beds outside the State may be admitted if:

(1) Inspected by the Department prior to storage in a shucking house;
and

(2) Accompanied by a bill of sale or bill of lading issued by the private planters selling the cargo or an appropriate certificate from the authorities of the state of origin, certifying that the cargo was caught from privately owned oyster beds in the state of origin and that the oysters were caught in full compliance with the laws of that state.

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